

AN ORDINANCE BY

COUNCILMEMBER CLAIR MULLER

*AS SUBSTITUTED BY CITY UTILITIES COMMITTEE*

**AN ORDINANCE TO AMEND SECTION 138-60 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA FOR THE PURPOSE OF SETTING ADDITIONAL FEES FOR ORGANIZATIONS BOTH FOR-PROFIT AND NON-PROFIT THAT USE THE CITY'S RIGHTS-OF-WAY (R-O-W) TO DISPLAY BANNERS; AND FOR OTHER PURPOSES.**

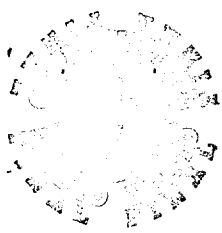
**WHEREAS**, the Bureau of Traffic and Transportation, *in the year 2000*, requested *that* the Mayor and Council *set additional permit fees* for those businesses and organizations *who receive permits to use the City's right-of-way for longer than 30 days and/ or to hang more than 100 banners*; and

**WHEREAS**, *as a result*, Ordinance 00-O-1289 (*see Exhibit A*) was adopted by the Atlanta City Council on December 4, 2000 and was approved by the Mayor on December 12, 2000 *to amend the Code of Ordinances by effectively setting an additional fee to be imposed when permits are granted to businesses and organizations to use the City's right-of-way for longer than 30 days and/ or to hang more than 100 banners*; and

**WHEREAS**, the Department of Law and the Department of Public Works *were in the process of rewriting the entire Rights-of Way Chapter 138 of the Code of Ordinances at the time of adoption of Ordinance 00-O-1289 but neglected to include its language into the final version of the New Rights-of-Way Ordinance 00-O-1307, adopted by Council on March 5, 2001 and approved by operation of law on March 14, 2001 that deleted and replaced Chapter 138 in its entirety, and thus by omission effectively removed the language of Ordinance 00-O-1289 from the Code*; and

**WHEREAS**, this omission from the Code of Ordinances could cost the City thousands of dollars; and

**WHEREAS**, *the language to include the intent of Ordinance 00-O-1289 should be appropriately added into Section 138-60 of the City of Atlanta Code of Ordinances as intended by the Department of Public Works, the Atlanta City Council and the Mayor of the City of Atlanta.*



**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** , as follows:

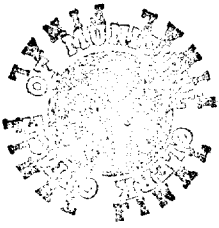
**SECTION 1:** That the Atlanta Code of Ordinances *Section 138-60 Flags banners, signs, displays.*, is deleted in its entirety and replaced with the following language:

*Sec. 138-60. Flags, banners, signs, displays.*

(a) Permit required. No person shall attach any flag, banner, bunting, sign, display or other form of decoration to any light pole or other standard erected *in* any right-of-way along any street, whether the pole or standard is the property of the city or of a person, unless a permit to attach the flags, banners, bunting, signs, displays or other forms of decorations to the pole or other standard shall have been issued by the commissioner of public works under the following conditions:

(1) No flag, banner, bunting, sign, display or other form of decoration shall be permitted which contains any advertising or any reference to any organization organized or operated for profit or which contains advertisement of any event or occurrence to take place under the sponsorship or for the benefit of any person operating for profit. However, for permitted festivals and centennial celebrations of local companies or corporations, the commissioner of public works may issue a permit allowing a limited form of advertising, if the following conditions or others determined by the commissioner of public works are met:

- a. The actual surface area of the flag, banner, bunting, hanging sign, display or other form of decoration does not extend more than three feet horizontally and four feet vertically, such dimensions resulting in an area no greater than 12 square feet, with the exception of those poles designated specifically for the purpose of accommodating flags, banners, buntings, hanging signs, displays, the dimensions of which shall not exceed eight feet horizontally and eight feet vertically, such dimensions resulting in an area no greater than 24 square feet total;
- b. The form of advertising shall be the corporate logo or trademark of the for-profit sponsoring organization;
- c. The corporate logo or trademark shall not exceed one-tenth of the total surface area on either side;
- d. Only one corporate logo or trademark shall be allowed per street decoration; and



- e. All provisions of this section are strictly adhered to. The approved size of the flag, banner, bunting, hanging sign or other display shall be in the discretion of the commissioner of public works, considering the areas to be decorated, structures upon which such decorations are to be installed, length of street right-of-way involved and the impact on adjacent structures, properties and activities. The determination of the commissioner of public works with respect to approving applications and permitting the hanging of flags, banners, buntings, signs, displays or other forms of street decorations shall be final.
- (2) No flag, banner, bunting, sign or display or other form of decoration shall be permitted which, in the opinion of the fire chief, would create a fire hazard. No permit shall be issued under this section by the commissioner of public works until the materials to be used in such decorations have been approved in writing by the fire chief.
- (3) No permit shall be issued by the commissioner of public works for any flag, banner, bunting, sign, display or other form of decoration to be attached to any poles or standards in any *right-of-way* area, which poles or standards belong to any person, other than the city, unless permission in writing from the owners of the poles or standards to attach the decorations is submitted to the commissioner of public works with the application for the permit.
- (4) *The permit* under this section which will allow flags, banners, buntings, signs, displays or other forms of decoration to be placed within the rights-of-way should be for a duration of no more than 30 days *except by authorization from the commissioner of public works.*
- (5) *The permit for* banners, buntings, signs, displays or other forms of decoration *should be limited to 100 except by authorization from the commissioner of public.* The distribution of such *decorations* along the public right-of-way *are subject to the approval of the commissioner of public works and the criteria for approval of the number of such shall include those standards and requirements pertaining to size and format as set forth in this section.*
- (6) No permit shall be issued *by the commissioner of public works* until the person requesting the permit agrees in writing to remove all flags, banners, bunting, signs, displays or other forms of decorations, without cost to the city, within five days after the end of the permit period.



(7) No permit shall be issued **by the commissioner of public works** until a deposit of \$1,000.00 is made by the applicant for the permit to the commissioner of public works. The deposit shall be returned to the applicant if all flags, banners, buntings, signs, displays or other forms of decorations attached to any poles or standards under the permit granted are removed within five days after the end of the permit period. If the flags, banners, buntings, signs, displays or other forms of decorations are not removed within five days, the deposit shall be forfeited as liquidated damages and the commissioner of public works shall remove the flags, banners, buntings, signs, displays or other forms of decorations. If the expense of removal shall exceed the amount of the deposit, the excess over the amount of the deposit shall be collected from the person to which the permit was issued, as provided by law.

(8) The **base** fee for a permit shall be \$100.00 (plus the \$1,000.00 refundable deposit per Subsection (a) (7) of this Code Section).

***Additional fees shall be assessed as follows:***

***a. For-Profit Organizations - \$1.80 per banner for each permitted day***

***b. Not-For-Profit and Charitable Organizations -***

***1. \$.75 per banner per day for each permitted day in excess of 30 days***

***2. \$.75 per banner per day for each banner in excess of 100 .***

(9) The commissioner of public works shall approve all brackets, supports or any type of supporting structures for hanging the banners.

(10) The printing process for the banners shall be approved by the special events coordinator of the department of parks and recreation.

(11) The applicant shall enter into an agreement with the city indemnifying and holding the city, its officers, agents and employees harmless from any and all claims arising out of the placement of, maintenance of, use of or removal of banners, including claims of banners or the structures upon which they are hung falling on people or property.

(b) Hanging across streets. No banners, bunting, signs, displays or other forms of decoration may be constructed to cross any street in the city, and no permit shall be issued therefore.

(c) Use of city personnel or equipment for installation. No city agency may use any city personnel or any city equipment to install or to aid in the installation of any flags, displays or other forms of decoration along the city right-of-way for any private organization.

(d) Certain waivers for sporting events. The commissioner of public works is authorized to waive the requirements of subsections (a)(1), (a)(7) and (b) of this section for applicants sponsoring one-day sporting events when, in the commissioner's judgment, public safety will not be compromised.



**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith be and are hereby repealed.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council**  
**APPROVED by the Mayor**

SEP 15, 2003  
SEP 23, 2003

RCS# 5011  
9/15/03  
1:38 PM

Atlanta City Council

Regular Session

03-O-1350

AMEND 138-60 SET/ADD FEES FOR FOR-/NON-  
PROFIT ORGS USE RIGHT-OF-WAY FOR BANNERS  
ADOPT ON SUB

YEAS: 8  
NAYS: 3  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	N Moore	NV Mitchell
Y Starnes	N Fauver	B Martin	Y Norwood
Y Young	Y Shook	B Maddox	N Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

03-O-1350

03-0 -1350  
(Do Not Write Above This Line)

AN ORDINANCE BY

COUNCIL MEMBER CLAIR MULLER

AN ORDINANCE TO CORRECT SECTION 138-60 (a) (8) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA FOR THE PURPOSE REPLACING THE ADDITIONAL FEES FOR-PROFITS AND NON-PROFITS THAT USE THE CITY'S R-O-W TO DISPLAY BANNERS; AND FOR OTHER PURPOSES.

ADOPTED BY

SEP 1 5 2003

COUNCIL

substantive

Referred to Utilities

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 8/18/03

Referred To: Comm on Council

Date Referred 9-2-03

Referred To: City Utilities

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

COC Committee

9/2/03

Chair

Action

Fav, Adv, Hold (see rev. side)

Referred to City Utilities

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Members

Refer To

Refer To

City Committee 4/2

Sept Date 9/2/03

Chair - Claire Muller

Action

Fav, Adv, Hold (see rev. side)

Other 8/23/03

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED  
SEP 1 5 2003

ATLANTA CITY COUNCIL PRESIDENT

Latasha W. Boydland

CERTIFIED  
SEP 1 5 2003

Paul Douglas Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

Mayor's Signature